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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,822	11/24/2003	Edward R. Dovner	94854-01300	5360

35893 7590 12/20/2006  
GREENBERG TRAURIG, LLP  
ONE INTERNATIONAL PLACE, 20th FL  
ATTN: PATENT ADMINISTRATOR  
BOSTON, MA 02110

EXAMINER
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DONNELLY, JEROME W

ART UNIT	PAPER NUMBER
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3764

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/720,822	<b>Applicant(s)</b> DOVNER ET AL.	
	<b>Examiner</b> Jerome W. Donnelly	<b>Art Unit</b> 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

 **JEROME DONNELLY**  
**PRIMARY EXAMINER**

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Higgins.

In regard to claim 2 and 2 Higgins discloses a device comprising a threaded elongated segment (7) connected to a modular bushing component (8) of an elastic component (9) and a carabiner (6) affixed to segment (7).

In regard to claim 4 element 2 is considered as a rigid bar.

In regard to claim 9, the segment (6) is considered as oblong.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins in view of Cole et al.

Higgins discloses the device of claim 3 substantially as claimed absent the feature of his device including a buckle having a threaded portion for receiving said threaded elongated segment.

Cole et al teaches using a buckle having a threaded portion.

Given the above teaching the examiner notes that it would have been obvious to one of ordinary skill in the art to connect the thread elongated portion of the threaded connector to flexible member through the use of a buckle having a threaded portion.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rattray Jr. in view of Kuhl.

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Rattray Jr. discloses a device comprising a threaded elongated portion (33) connectable to a threaded bore (36) of a resistive force supplying component of an exercise system and a carabineer portion (28).

Rattray however does not disclose his device wherein the carabineer is spring loaded and has a grooved area as claimed.

Kuhl however teaches providing a carabineer in conjunction with a spring member (171) and wherein the end of the curved portion includes a groove for receiving an end portion of the movable arm.

Given the above teaching of Kuhl the examiner notes that it would have been obvious to one of ordinary skill in the art to include a spring loaded carabineer having a groove as claimed as a means to aide in positively locking a carabineer to a secondary object.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins in view of Titus.

Higgins discloses the device of claims 5 and 6 substantially as claimed absent the feature of the device including said second modular comprising rings attached to its limb engaging member.

Titus discloses a device having a plurality of rings (7) which connect to a plurality of elastic members.

Given the above teaching of Titus the examiner notes that it would have been obvious to one of ordinary skill in the art to provide the device of Higgins with an alternate means of attaching the plurality of resilient members disclosed by Higgins in Fig. 3.

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As to the ring members being metal the examiner considers metal as an obvious material of which to manufacture a handle member.

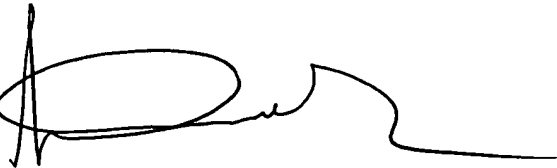
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the multiple loops (6) of member (11) of Titus.

Note the spring member (F) and threaded rod member b of Bilbrough.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571) 272-4975.

Jerome Donnelly

JEROME DONNELLY  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'J. Donnelly', written over the printed name and title.